

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

XAVIER BARNES,
Defendant

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NO. 3:17-CR-174-K (1)

**SECOND AMENDED REPORT & RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Defendant XAVIER BARNES is charged in a petition with a violation of the terms of his supervised release. On this date, the United States Magistrate Judge conducted a revocation hearing. Defendant appeared in person and represented by counsel.

Based on Defendant's plea of true to the allegations in the petition and the evidence and arguments offered at the hearing, and for the reasons explained on the record at the hearing, the Magistrate Judge recommends the United States District Judge:

- ☒ find Defendant violated the terms of his supervised release;
- ☒ revoke Defendant's supervised release;
- ☒ impose a sentence of an additional term of imprisonment of 12 months and 1 day with credit for time served in federal custody prior to revocation and with no further term of supervised release to follow; and
- ☒ decline to apply the 18 U.S.C. 3583(d) treatment exception to mandatory revocation insofar as it applies here.

SO RECOMMENDED.
December 3, 2020

Date



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE

NOTICE

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file any specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CRIM. P. 59(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).